

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DANIEL RENEE RAMIREZ,	§	
TDCJ-CID NO. 598169,	§	
	§	
Plaintiff,	§	
v.	§	CIVIL ACTION H-13-1598
	§	
ABBAS KHOSHDEL, et al.,	§	
	§	
Defendants.	§	

ORDER OF DISMISSAL

Plaintiff Daniel Renee Ramirez, an inmate in the Texas Department of Criminal Justice-Correctional Institutions Division (TDCJ-CID), filed a civil right suit under 42 U.S.C. § 1983 alleging denial of medical care in violation of the Eighth Amendment. (Docket No. 1.) In an Order to Answer entered November 22, 2013, the Court instructed Plaintiff that he must respond to any motion to dismiss or motion for summary judgment within thirty days. (Docket No. 6 at 2, ¶ 5.) Plaintiff was further cautioned that failure to so respond could result in dismissal of this action for want of prosecution under Rule 41(b) of the Federal Rules of Civil Procedure. (Id.)

On May 27, 2014, Defendants filed a Motion for Summary Judgment on all claims. (Docket No. 16.) Plaintiff did not file a timely response or request additional time in which to respond. On August 27, 2014, the Court ordered Plaintiff to show cause within twenty days why this case should not be dismissed for want

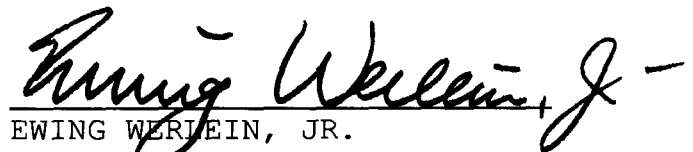
of prosecution. (Docket No. 21.) To date, Plaintiff has not complied with that order, nor has he responded to the pending summary judgment motion.¹ Petitioner's failure to comply with the Court's order or to actively pursue this cause of action shows a lack of due diligence.

Therefore, under the inherent powers necessarily vested in a court to manage its own affairs, the Court determines that dismissal for want of prosecution is appropriate. See FED. R. CIV. P. 41(b); Woodson v. Surgitek, Inc., 57 F.3d 1406, 1417 (5th Cir. 1995). Petitioner is advised, however, that upon a proper showing, relief from this order may be granted in accordance with Rule 60(b) of the Federal Rules of Civil Procedure.

Accordingly, it is ORDERED that this action be DISMISSED WITH PREJUDICE under Rule 41(b) for failure to prosecute and failure to comply with an order of the Court. See FED. R. CIV. P. 41(b).

The Clerk shall provide a copy of this order to the parties.

SIGNED at Houston, Texas, on September 26, 2014.


EWING WERLEIN, JR.
UNITED STATES DISTRICT JUDGE

¹ Plaintiff filed an unsworn, three-sentence affidavit on September 8, 2014, which is entirely unresponsive to either Defendants' summary judgment motion or the Court's show cause order. (Docket No. 22.) Plaintiff has had no other contact with the Court since the summary judgment motion was filed.